

# EXHIBIT 9



1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3  
4

5 AHMED ELZEIN,  
6 Plaintiff,

7  
8 -vs-

Case No. 22-CV-12352

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10 ASCENSION GENESYS HOSPITAL,  
11 Defendant.  
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16 DEPONENT: KATHLEEN SCOTT, MSW

17 DATE: Thursday, October 12, 2023

18 TIME: 3:45 p.m.

19 LOCATION: VIA ZOOM VIDEOCONFERENCE

20 REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067

21 JOB NO: 26455  
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AHMED ELZEIN vs ASCENSION GENESYS HOSPITAL  
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1 treatment, then we need to do that legally.

2 Q. Right. There's a legal process that you have to

3 follow; is that correct?

4 A. Yes.

5 Q. And you've been trained in terms of what the legal

6 process is?

7 A. Yeah. I mean, Ascension specific, I mean, I don't

8 know if I ever received any formal training, but...

9 Q. I mean, in your entire career as a social worker,

10 have you been trained on --

11 A. Oh, yeah, yes, the Mental Health Code, absolutely,

12 everything.

13 Q. You're familiar with Michigan Mental Health Code?

14 A. I am.

15 Q. And you're familiar with the requirements of the

16 Mental Health Code of how somebody is to be

17 involuntarily committed, correct?

18 A. Correct.

19 Q. And that involves a petition to the probate court,

20 correct?

21 A. Right. We don't -- like that happens after they

22 get to the hospital. That's why the stuff at the

23 bottom, you'll see on the bottom of the petition,

24 once they get there, it's my understanding they go

25 through, they get a copy of both. And I always

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1 try -- like if somebody is not -- I try to check

2 the box on the second side that the hospitalization

3 needs to be pending a hearing. They absolutely

4 have the ability if they don't feel -- you know, to

5 talk to a judge. And that happens --

6 Q. After you -- hold on.

7 After you fill out the petition,

8 Exhibit 1, the first two pages of Exhibit 1, what

9 do you physically do with the document?

10 A. The original is on the chart and then it's faxed

11 like with that referral to facilities.

12 Q. So in this case, was it your understanding that

13 Dr. Elzein was transferred to Havenwick Hospital?

14 A. That was the plan. I don't know -- like I'm

15 assuming that's where he went, but yes.

16 Q. So Exhibit 1 -- actually the complete Exhibit 1,

17 which would be both the petition and the

18 certificate, in a normal process would have been

19 faxed to Havenwick?

20 A. Absolutely. They wouldn't have accepted a patient

21 without having that.

22 Q. Okay. Whose job is it to fax it to Havenwick?

23 A. That would be me.

24 Q. Did you fax Exhibit 1 to Havenwick?

25 A. Yes.

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1 Q. Did you maintain any of the fax transmittal

2 documents from that fax?

3 A. Not that I know of, no. That's not -- normally we

4 would not do that, no.

5 Q. Do you know for sure --

6 A. They would confirm, like, who we talked to. If

7 they hadn't received it, they wouldn't accept a

8 patient, you know what I mean, I mean, unless there

9 was some egregious error on their part, but I can't

10 imagine that happening.

11 Q. Well, did you ever attempt to see if anything was

12 ever filed in any probate court for Dr. Elzein?

13 A. No, but normally we would receive notification

14 because if we're the petitioner or person that does

15 the clinical cert, the physician, we would have,

16 from probate court, received something. Now I will

17 say, this hospital, sometimes we receive things

18 sporadically and very past due and I don't know if

19 that's a mail system issue here, but off the top of

20 my head, I cannot recall if I ever got anything,

21 but it's not uncommon to get probate court, like,

22 notifications. Most of the time the hearings are

23 way before I even get the notification.

24 Q. You were the petitioner in this particular request

25 to have Dr. Elzein confined to a psychiatric

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1 facility, correct?

2 A. Correct.

3 Q. You've done this before?

4 A. Absolutely, yeah.

5 Q. And are you generally involved with the court

6 process after that?

7 A. No, not at all.

8 Q. The courts don't want you to be involved?

9 A. Like I said, on a rare occasion we'll get a note

10 that somebody has requested a hearing, which is

11 their right, but most of the time that hearing has

12 already long past before I get notice of that.

13 Q. And you don't do anything to follow up if anybody

14 followed through and filed anything with the

15 probate court?

16 A. No, that's not -- and to my knowledge, that's not

17 an Ascension -- like that's not anything that

18 we're -- like it's not within our protocol.

19 Q. You're the person saying to the court, "You need to

20 have this person locked up against their will," and

21 that's what you're doing in Exhibit 1, correct?

22 MR. WASLAWSKI: Objection. Form.

23 THE WITNESS: I don't -- no, absolutely

24 not, and I object to that. Locked up against their

25 will? Absolutely not. Seen for a formal eval to